

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 46 of 2000

in

SPECIAL CIVIL APPLICATION No 760 of 1996

With

SPECIAL CIVIL APPLICATION NO. 1189 OF 2000

And

Civil Application No. 628 of 2000

For Approval and Signature:

Hon'ble CHIEF JUSTICE MR DM DHARMADHIKARI

and

Hon'ble MR.JUSTICE B.C.PATEL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
  2. To be referred to the Reporter or not? : NO
  3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
  4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
  5. Whether it is to be circulated to the Civil Judge? : NO

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GITABEN RATANBHAI BHIL

Versus

CHIEF REGIONAL MANAGER  
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Appearance:

Mr. Ashim Pandya for HL PATEL ADVOCATES for Appellant  
MR GN SHAH for Respondent No. 1  
MR KV SHELAT for Respondent No. 3  
Mr. Y.F. Mehta, Ld. counsel for Petitioner in SCA  
1189/2000

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CORAM : CHIEF JUSTICE MR DM DHARMADHIKARI  
and  
MR.JUSTICE B.C.PATEL

Date of decision: 03/04/2000

COMMON ORAL JUDGEMENT

Per: B.C. Patel, J:-

1. In Special Civil Application No. 760 of 1996 a grievance was made before learned Single Judge that the allotment of dealership of retail outlet is in gross violation of the policy. It appears that, at the initial stage when the matter was placed for admission, after hearing learned counsel for the Hindustan Petroleum Corporation Ltd, Court directed to make an inquiry and to submit the report. A copy of the report was placed before the Court for perusal.

2. Before the learned Single Judge two petitions were filed by two different petitioners, who failed to get the dealership. The respondent no.3 herein was allotted the dealership in retail outlet at company's premises at Piplod, district Panchmahal. Learned Single Judge after considering the report was of the view that, it cannot be said that the allotment of the outlet dealership was bad in law or that the basis of allotment made in favour of the contesting respondent was bad.

3. The grievance made before the learned Single Judge was that one Somaji Punjabhai Damor, a Member of Parliament has tremendous political influence and he has managed to see that his near relations are allotted either dealership in petrol, gas or kerosene. In another Special Civil Application being Spl.C.A. No. 1189 of 2000 it is pointed out that, his son-in-law, brother, brotherin-law, cousin and son were allotted dealership either in gas, petrol or kerosene. The Court also inquired into the aspect of prohibited degree as indicated in the rules. The report discloses the details in this behalf. It is indicated that the allegations are baseless and as alleged, person within the prohibited degree as indicated in the rule is not allotted retail outlet/ dealership.

4. It is required to be noted that, before this Court learned counsel Mr. Pandya submitted that, learned Single Judge has not examined the income criteria. It is

required to be mentioned that, from the judgment it is clear that no such submissions were made in this behalf. Mr. Pandya's second contention with regard to political influence is of no basis whatsoever. In absence of any specific allegation such submissions are not required to be appreciated. There is no case of even likelihood of bias. It is required to be noted that the Selection Board consist of a retired Judge of the High Court and two other members. In Special Civil Application No. 3614 of 1984 this question, i.e. allotment by Selection Board was considered by this Court. The Division Bench while dismissing the appeal being LPA No. 296/84 discussed at length with regard to the selection process. Learned counsel for the appellant was not in a position to point out anything as to how the process of selection has been vitiated. In view of this, we find no merits in the appeal. The appeal is accordingly dismissed.

4. So far as Special Civil Application No. 1189 of 2000 is concerned, it is required to be stated that the dispute is between the persons seeking dealership of Hindustan Petroleum, and the petitioner having no locus at all, this petition is required to be dismissed.

5. In the result the appeal as well as the petition are disposed of as dismissed. Notice in LPA stands discharged. No order on civil application. No order as to costs.

Dt: 3-4-2000

( D.M. Dharmadhikari, C.J. )

( B.C. Patel, J )

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